

Synopsis of City of Charleston's Proposed Legislation

January 22, 2009

1. A top priority is to see both the Senate and House pass a law that allows for warrantless searches of persons on probation and parole which a number of states have already enacted. A warrantless search bill was introduced last session and passed by the Senate but not the House. The Supreme Court of the United States has recognized the legality of warrantless searches. This bill needs to be passed to authorize not only probation and parole agents the authority to conduct warrantless searches, but also our local law enforcement officers. Given the cutbacks in probation and parole funding and staffing, this legislation is critical to bridge the gap.
2. A top priority is to see both the Senate and the House pass legislation to keep criminals off our streets by denying bail for repeat offenders. A bill introduced last session allowed the courts to deny bail if a person is arrested for a violent offense while already out on bond for a different offense. The bill was passed by the Senate, but not the House. The bill is essential to protecting our communities because it allows the court to deny bail if no conditions can reasonably assure the safety of any person or the community if the offender is released.
3. We are urging both the Senate and House to consider the passage of several other bills which are critical to attacking and preventing crime in our State and necessary to protecting our citizens:

Stop convicted criminals from legally possessing handguns or assault weapons under state law. Create a new offense prohibiting the possession of a handgun or assault weapon by a person who has been previously convicted of a crime that carries a prison sentence of two years or more. Federal law prohibits possession by person previously convicted of a crime that carries a prison sentence of more than one year.

Create a separate offense for possessing a firearm while selling, manufacturing or possessing drugs for distribution. The sentence for this crime must run consecutively with the sentence for the underlying drug offense.

Increase punishment for persons convicted of Assault and Battery with Intent to Kill ("ABWIK") to a minimum of 10 years and a maximum of up to life imprisonment. The current penalty for this crime is up to 20 years in prison with no minimum sentence. The difference between

ABWIK and murder seldom has anything to do with the criminal's intent, but more to do with how quickly the EMS is able to respond to the crime scene and how available is a skilled surgeon.

Expand current laws governing illegal use and possession of handguns to include assault weapons, including AK-47s.

Increase penalties for unlawfully possessing a handgun or assault weapon. Currently, the penalty is up to 1 year and/or \$1,000 fine. Penalties should be increased and include mandatory minimum sentences.

Allow for Truth in Sentencing. Criminals should be required to serve at least 85% of their sentence before becoming eligible for parole or release. The current laws regarding sentencing and a criminal's eligibility for parole are confusing and without sound reason.

The City of Charleston also supports: (1) additional resources for the South Carolina state courts, Solicitor's Offices, and Probation and Parole Department; (2) expanding South Carolina Department of Juvenile Justice Programs to help reduce juvenile crimes and to allow 16 year olds to take GED exams; and (3) increase funding for the South Carolina Department of Corrections to expand inmate drug treatment and rehab programs, and to expand inmate reentry programs.